

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DAVID T. COOPER,	:	CIVIL ACTION
	:	
Plaintiff	:	
	:	
v.	:	
	:	
REGINALD A. ROBERTS, <u>et al.</u> ,	:	
	:	
Defendants	:	No. 08-0346

ORDER

AND NOW, this day of , 2008, upon consideration of Defendant Powell's motion for an extension of time, and for good cause shown, it is hereby ORDERED that said motion is GRANTED. The Defendants' time to file their motions for summary judgment is hereby ENLARGED to January 20, 2009.

BY THE COURT:

MITCHELL S. GOLDBERG, J.

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	:	
Plaintiff	:	
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	:	
REGINALD A. ROBERTS, <u>et al.</u> ,	:	
	:	
Defendants	:	No. 08-0346

DEFENDANT POWELL'S MOTION FOR EXTENSION
OF TIME FOR FILING DEFENDANTS' SUMMARY
JUDGMENT MOTIONS

Pursuant to Federal Rule of Civil Procedure 6(b), Defendant Dennis Powell moves the Court to grant an extension of the time in which the defendants are to file their motions summary judgments.¹ Under the current scheduling order, the Defendants' motions for summary judgment are due December 4, 2008 (Doc. No. 28). Defendant Powell relies on the following reasons for their request:

1. The defendants are attempting to engage in settlement negotiations with Plaintiff.
2. Communication with Plaintiff, who is incarcerated and acting pro se, is difficult. Communication has been further complicated by Plaintiff's recent assignment to the Restricted Housing Unit of his prison.

¹ Although this motion is filed by Defendant Powell, Defendant Reginald Roberts, who is separately represented, joins in the motion. Defendants Havrilak, Grimm, and Hatfield have already filed their motion for (partial) summary judgment. They therefore do not join in the motion, but have no opposition to it.

3. If settlement negotiations are ultimately successful in resolving this matter, there will be no need for the filing of motions for summary judgment. Defendants Powell and Roberts therefore want to explore the possibility of settlement before dedicating the additional time and effort necessary to complete their summary judgment motions.

4. An extension of 45 days should be a sufficient amount of time to complete settlement negotiations, and, if still necessary, for Defendants Powell and Roberts to complete their motions for summary judgment.

5. There are no other deadlines currently in effect that will be affected by such an extension.

6. Upon information and belief, Plaintiff will not be prejudiced by the requested extension.

7. This motion is made without dilatory intent.

WHEREFORE, the defendant Powell prays for an order extending the deadline for the defendants' filing of motions for summary judgment to January 20, 2009.²

Respectfully submitted,

THOMAS W. CORBETT, JR.
Attorney General

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Susan J. Forney
Chief, Litigation Section

Date: December 4, 2008

² 45 days from December 4, 2008 is a Sunday, which is followed by Martin Luther King Day. January 20, 2009 is the following Tuesday.

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REGINALD A. ROBERTS, <u>et al.</u> ,	:	
	:	
Defendants	:	No. 08-0346

CERTIFICATE OF SERVICE

I, Kevin R. Bradford, hereby certify that the Motion to Extend has been filed electronically on December 4, 2008 and is available for viewing and downloading from the Court's Electronic Case Filing System ("ECF"). The following parties are listed as ECF Filing Users and are therefore automatically served by electronic means:

- David P. Karamessinis, Esquire [dkarames@travelers.com; kjaffe@travelers.com]
- Jonathan B. Young, Esquire [jbyoung@dbyd.com]

I further certify that a true and correct copy of this document was mailed on December 4, 2008 by first class mail, postage prepaid to the following parties who are not listed as ECF Filing Users in this matter:

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